

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

POLICEMEN'S ANNUITY AND BENEFIT
FUND OF THE CITY OF CHICAGO et al.,

Plaintiffs,

- against -

BANK OF AMERICA, N.A. (as Trustee Under
Various Pooling and Servicing Agreements)
and U.S. BANK NATIONAL ASSOCIATION
(as Trustee Under Various Pooling and
Servicing Agreements),

Defendants.

CASE NO. 1:12-CV-02865-KBF

CASE NO. 1:13-CV-05978-KBF (consolidated)

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANT BANK OF AMERICA, N.A.'S MOTION
TO EXCLUDE THE OPINION OF MICHAEL L. HARTZMARK, PH.D., CONTAINED
IN PARAGRAPHS 22-55 OF HIS CONFIDENTIAL REPORT**

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Attorneys for Defendant Bank of America, N.A.

PLEASE TAKE NOTICE that, upon the Memorandum of Law submitted herewith, Bank of America, N.A. (“BANA”) will move this court before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 15A, New York, New York 10007, for an order, pursuant to Federal Rules of Evidence 702 and 403 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), excluding the opinion of the proffered expert Dr. Michael L. Hartzmark contained in paragraphs 22-54 of his Report (which Plaintiffs have designated confidential), and summarized in paragraphs 1.b, 4, and 13.c. The grounds for this motion are set forth in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen days after service of moving papers, and reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.

PLEASE TAKE FURTHER NOTICE that, because the relief requested in this motion is directly related to Plaintiffs’ pending motion for class action certification, which by Order of the Court is presently scheduled for argument at 9:00 a.m., on May 9, 2014, BANA respectfully requests oral argument on this motion at the same time.

Respectfully submitted,

April 17, 2014

/s/ Isaac S. Greaney
Isaac S. Greaney

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